

IMPORTANT – READ CAREFULLY BEFORE FILLING OUT FORMS

The Deputy Clerks do not have the authority to give legal advice. If you have legal questions, you must consult an attorney.

1. The jurisdictional limit of civil claims in Magistrate Court is \$15,000.00.

2. If your claim is for more than \$15,000.00, you cannot voluntarily reduce the amount sued for, or sue for only part of the amount to bring your case into the Magistrate Court.

3. Civil Suits and Dispossessory actions must be filed in the county where the DEFENDANT resides.

Garnishments are filed where the DEFENDANT is employed and you must have a judgment against the person (DEFENDANT) on which you are filing the garnishment on.

4. Plaintiff must use the court forms (if you obtain your forms from the internet make sure they are printed front & back when filed in the court). Please type or print legibly. Plaintiff must provide a contact telephone number. In **civil claims**, an original and a copy must be provided for each defendant, **dispossessory actions**, an original and a copy of the lease, a copy for each defendant and a copy to be mailed with a self-addressed stamped envelope for each defendant must be provided. In **garnishments** an affidavit, copy of judgment, three (3) summons, and seven (7) answer forms must be provided. All forms must be sworn to before a Deputy Clerk or a Notary Public.

5. The DEFENDANTS complete and accurate residence address should be included on the form so that he or she may be served. POST OFFICE NUMBERS WILL NOT BE ACCEPTED. For garnishments, the complete name and address of the place of business for the defendant's employer, as well as an address for the defendant must be provided.

6. Once the defendant(s) or garnishee (employers) is served you will receive a yellow sheriff's entry letting you know the date of service. Defendants/garnishee (employers) has forty-five (45) days to file an answer. On Dispossessory actions the defendant(s) has seven (7) days from time of service to file an answer. ***PLEASE NOTE* A SHERIFF'S ENTRY WILL NOT BE SENT ON DISPOSSESSORY ACTIONS.**

7. If the defendant files an answer, a copy will be sent to you. If the defendant is denying the claim, the court will automatically set the case for a hearing and a hearing notice will be sent to you approximately 2 weeks prior to your court date. **If the answer of defendant admits to the claim, no hearing will be set.** You may wish to request a judgment or a writ of possession in the case of a dispossessory. All requests for judgments must be in writing and all writ of possessions must be paid prior to the service of the writ.

8. When you receive a hearing notice you may subpoena any witnesses. The cost for these subpoenas will be the responsibility of the person who is making the request. At the time of trial, both parties should bring all documents, writings, and receipts which they feel pertain to their case. AFFIDAVITS, LETTERS AND ESTIMATES ARE GENERALLY NOT ACCEPTED.

9. The cost for filing civil actions in the court are as follows:

ONE (1) DEFENDANT \$63.00 Writ of possession -\$25.00

TWO (2) DEFENDANTS..... \$88.00 Writ of possession - \$50.00

10. This office will not notify you if payments are received. A check will be disbursed the following month after payments have been received the prior month. Checks are generally mailed by the second week of the month.

11. ALL FORMS MUST BE FILLED OUT COMPLETELY, FRONT AND BACK BEFORE THEY WILL BE ACCEPTED AND FILED.

12. **IF YOU CALL THE OFFICE WITH ANY QUESTIONS CONCERNING YOUR CASE, PLEASE PROVIDE THE CLERK WITH A CASE NUMBER. YOUR CASE NUMBER IS PROVIDED ON THE SHERIFF'S ENTRY OF SERVICE FORM AND ON YOUR RECEIPT YOU RECEIVED WHEN YOU FILED AT THE TIME OF YOU FILING YOUR CASE IN PERSON WITH THE COURT. DO NOT CALL PRIOR TO EXPIRATION OF TIME FOR FILING OF AN ANSWER.**

13. **MAGISTRATE COURT DAY TIME PHONE NUMBER: 706-868-3316.**